

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Revision Petition – Srikakulam District - Revision Petition filed by Sri M. Appanna, S/o Late Pentaiah Resident of Chillapeta Rajam Village of Ranasthalam Mandal - Srikakulam district against the orders of the Joint Collector, Srikakulam – Case Called for Hearing on 23-01-2010 and Heard the Case - Revision Petition Dismissed – Orders – Issued.

REVENUE (ASSIGNMENT –I) DEPARTMENT

G.O.Ms.No. 162

Dated: 23- 02- 2010

Read: the following:-

- 1) Revision Petition filed by Sri M. Appanna, S/o Late Pentaiah Resident of Challapeta, Rajam Village of Ranasthalam Mandal - Srikakulam district, Dated 20-02-2003.
- 2) Govt.Memo.No.22421/Assn.I(1)/ 2003-1/. Revenue Department, Dated 13.5.2003
- 3) From the Collector, Srikakulam Dist. Lr.No. 1992/03/E2, Dated. 6-6-05.
- 4) Notice for hearing in Govt.Memo.Memo.No.22421/ Assn.I(1)/ 2005, Dt:6.2.06Revenue Department, Dated 18-08-2006, 13.11.2006, 5.1.2007, 29-01-2007, 31-08-2007, 11-09-2007, 23-10-2007, 23-02-2008, 18-08-2008, 31-10-2009, and last and final Hearing Notice Dated 27-11-2009.
- 5) From the Tahsildar, Ranasthalam Mandal, Srikakulam district, Rx.No.66/ 2005.,A, Dated 12.1.2010 addressed to the Joint Secretary to Government, Revenue (Assignment-I) Dept.

-::-

O R D E R:

Sri M. Appanna S/o Pentaiah R/o Chillpetta Rajam of Ranasthalam Mandal has preferred an appeal against the orders of the Joint Collector, Srikakulam, in his proceedings Rc.No.3217/02/E2, dt. 6-11-2002 on the following main grounds:

- (a) The Respondents i.e., Joint Collector,/ RDO/ MRO ought to have seen that the land in question has been enjoyed by the petitioner since 17 years and he is paying Cist to the Government since then and there was no interruption by anybody.
- (b) That the petitioner is a landless poor and their family depends on the agricultural income and they have no other sources of income except from the yielding of this land
- (c) The Respondents ought to have seen that for the fault of others the petitioner shall not be suffered.
- (d) The respondents ought to have seen that the Vendors i.e., Chilla Lakshmunaidu, Asirinaidu and Venkata Lakshmudu had never disclosed the nature of the land i.e., Assigned land. And they never stated in the sale deed that these lands are assigned lands.
- (e) The Respondents ought to have seen that the 4th Respondent with a malafide intention to grab the land, she is known fully well that the land in question are assigned lands suppressing the said fact, she sold the land to the petitioner stating that the lands are zeroiti patta land.
- (f) The Joint Collector ought to have seen that once the 4th Respondent sold the lands by way of registration suppressing the fact that these lands are assigned lands subsequently, she cannot have only right to claim that these lands are assigned lands and restore the lands to her.
- (g) The respondents ought to have seen that the 4th respondent and her family members got more than 50 acres of D. Patta land and Zeroiti land in their land by misusing the administrative powers vested on them.
- (h) The 4th Respondent filed counter before the RDO categorically admitted that the petitioner has been in possession and enjoyment of the land.
- (i) The RDO/ MRO ought to have seen that the 4th Respondent and her sons cheated the petitioner knowing fully well that the land in question is an assigned land, without informing the same.

P.T.O.

- (j) That the lower Revenue Officials for the reasons best known to them have been colluded with the vendors and others and falsely issued notice and eviction order by the MRO Ranasthalam against he petitioner which is against the law.
- (k) The respondents ought to have seen that the 4th respondent was issued D-Patta in the year 1977 and she has not made the cultivation of said patta land and kept idle for long time until 1984 on which year the land was purchased by he Father of the petitioner. Hence it requires cancellation of the D-patta of the 4th Respondent.
- (l) The petitioner has filed petition before the Government to set-aside the proceedings of the Joint Collector in Rc.No.3216/ 2002/E2., dated 06.11.2002, and to issue pattas in favour of the petitioner.
2. In the reference 2nd read above, the Dist.Collector, Srikakulam was requested to send a detailed report along with the connected records to Government, immediately for taking further necessary action on the RP filed by the Applicant.
3. In the reference third read above, the Collector, Srikakulam district has submitted a report to Government, and submitted a Record in D.Dis.No.3217/ 02, Dated 14.11.2002 and D.Dis.No.328/2001, dt.26.6.2003.

Brief details of the case are as follows:-

4. Smt. Chilla Chandramma W / o Late Laxmunaidu was granted D-patta to an extent of Ac.4-24 cents in S.No.55/2 of Chillapeta Rajam Village by the then Tahsildar, Cheepurupalli vide D.C No.12301/79. The Mandal Revenue Officer, Ranasthalam has found that an extent of Ac.2.24 Cts in the said survey number was in possession and enjoyment of Sri M. Appanna and after due enquiry he has issued Form-I notice to Sri M.Appanna the present Revision Petitioner i.e., alleged purchaser by purchasing under Sale-deed and therefore the MRO, Ranasthalam has initiated action as per the rules made under AP Assigned Land (Prohibition of Transfer) Act, 1977, and restored the land to the Original Assignee in his proceedings Rc.No.328 / 2001, dated 29-11-2001.

5. Aggrieved by the orders of the Mandal Revenue Officer, Ransthalam Sri Mudasala Appanna the present Revision Petitioner preferred an appeal before the Revenue Divisional Officer, Srikakulam and the Revenue Divisional Officer, Srikakulam set aside the order of the Mandal Revenue Officer, Ranasthalam in his proceedings No.3621/2001/G;dt. 27-07-2002.

6. Thereafter Ch. Chandramma W/o late Sri Laxmunaidu, the Original assignee filed Revision Petition before the Joint Collector, Srikakulam against the orders of the Revenue Divisional officer, Srikakulam and the same was allowed. The Joint Collector, Srikakulam in his Proceedings Rc.No.3217/02/E2, dt. 6-11-2002 upheld the orders of the Mandal Revenue Officer, Ransthalam.

7. Aggrieved by the orders of the Joint Collector, Srikakulam Sri M. Appanna S/o Late Pentaiah has filed REVISION PETITION before the Government.

8. The Petitioner has also filed an Appeal before the Commissioner of Appeal, Hyderabad and the appeal was rejected on the ground that the Appeal is not maintainable for want of jurisdiction vide CCLA, Ref No. BCW 5/ 20/ 2003., dated 22.1.2003.

9. The Collector, Srikakulam has furnished his remarks on grounds of the Revision Petition as follows:

- (a) The Contention of the Revision Petitioner is not correct. The Joint Collector has passed orders Judiciously duly following the procedure and hence maintainable.
- (b) It is not true. The Revision Petitioner failed to show Strict proof of his contention he has not adduced any evidence before the appellate authorities.
- (c) It is not correct. Both the Mandal Revenue Officer Ransthalam. Joint Collector, Srikakulam taken action duly following procedure under the Act 9/77. Hence consideration does not arise.

::3::

- (d) It is not correct to say that for the fault of others, the Petitioner should not be suffered. The Government have in no way concerned in the transaction undertook between the Revision Petitioner assigned and the Revision Petitioner ought to have ascertain and verify the title and other records before purchasing the said land. The Revision petitioner is well aware that the land is an assigned and land will fully engaged to purchase the land.
- (e) The Petitioner has not produced any evidence in his favour
- (f) The Revision petitioner has to show strict proof of his Contentions. The Revision petitioner purchased the land against the rules and norms and leveled allegation filing appeals when the officials are taking action judiciously.

10. The Collector, Srikakulam has therefore requested the Government to dismiss the Revision petition filed by the present Revision Petitioner Sri Mudasala Appanna and issue necessary orders.

11. An opportunity of hearing was given to the Petitioner and the case was called for hearing on 18-02-2006,, 02-09-2006, 07-10-2006, 16-12-2006, 27-01-2007 17-02-2007, 14-09-2007, 27-10-2007, 31-05-2008, and finally on 21-11-2009 23-01-2010 at 4-00 PM.

12. The Advocate for Petitioner, and the Dy.Tahsildar, Ranasthalam Mandal were present.

13. Heard the arguments of the Advocate for the Petitioner, and perused the records submitted by the Collector, Srikakulam.

14. After perusal of the records, Government have observed that the contention of the Revision petitioner is not correct since Section 3 (2) of Act of 9/77 prohibits transfer of assigned lands by way of sale, gift, mortgage, exchange, lease or otherwise and no right or title in such assigned lands shall vests in any persons acquiring the land. As per Section 3 (3) of the Act any transfer or acquisition made in contravention of provision of Sec.3 (1) and 3 (2) shall be deemed to be null and void. Moreover the above transaction took place on 23.2.1984 i.e., after commencement of the Act i.e, after 21.1.1977. Therefore the Revision Petition deserves no consideration and liable to be dismissed.

15. Accordingly, the Revision Petition filed by Sri M. Appanna, S/o Late Sri Pentaiah, Resident of Chillapeta Rajam Village of Ranasthalam Mandal - Srikakulam district is hereby dismissed.

16. The District Collector, Srikakulam shall take necessary action.

17. The Original records sent by the Collector, Srikakulam in D.Dis.No.328/ 2001 Dated 26.6.2003 containing CF 108 Pages / D.Dis.No.3217/2002, Dated 14.11.2002 containing NF-6 Pages / CF 1-114 are herewith returned to the District Collector, Srikakulam, and he is requested to acknowledge the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RAJESHWAR TIWARI,
SECRETARY TO GOVERNMENT.**

To

The District Collector, Srikakulam.
(with the Original Records)

Sri Mudasala Appanna, s/o Late Pentayya, Challapeta, Rajam village,
Ranasthalam Mandal, Srikakulam district.

Sri Aravala Rama Rao, Advocate,
12-2-617/A/6, Gudimalkapur, Mehdipatnam, Hyderabad. 500 028.

Copy to the Commissioner, Appeals, O/o the CCLA, Hyderabad.

Copy to the Joint Collector, Srikakulam district.

Copy to the Tahsildar, Ranasthalam Mandal, Srikakulam district.

Copy to the PS to Secretary to Govt.(RT), Revenue Dept.

Stock-file.

//FORWARDED::BY ORDER//

SECTION OFFICER.